

CENTRAL VALLEY FLOOD PROTECTION BOARD

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May 22, 2020

Colonel James J. Handura
District Commander
U.S. Army Corps of Engineers, Sacramento District
1325 J Street
Sacramento, California 95814

Subject: Request to initiate project review pursuant to Title 33, USC Section 408 for the Proposed Delta Conveyance Project.

Dear Colonel Handura:

The Central Valley Flood Protection Board (Board) has received a request from the Department of Water Resources (DWR) to initiate State and Federal review of a project that may affect the Federal-State flood control system in California's Central Valley. The project will be referred to herein as the Delta Conveyance Project (DCP).

Pursuant to the California Code of Regulations Title 23, Division 1, DWR will be required to submit an application for the DCP to the Board and receive a permit from the Board prior to constructing any encroachments upon or modifications to the existing flood control facilities. At the time the application is received, it will be reviewed by Board staff and ultimately acted upon by the Board during a future noticed public meeting. For purposes of the California Environmental Quality Act, the Board is considered a Responsible Agency and will be required to make environmental findings prior to issuing any permit for construction of the DCP.

At this time, DWR also has requested to initiate review of the DCP by the U.S. Army Corps of Engineers (USACE) to determine if the proposed project will comply with all appropriate federal regulations within their jurisdiction. As the non-federal sponsor to the USACE, the Board supports early involvement by our federal agency partners in order to determine at the earliest possible point in the project planning process if there are unacceptable risks to the Federal-State flood control system.

Accordingly, the Board hereby submits to the USACE the Board's "Statement of No Objection" pursuant to Title 33, USC Section 408 (Section 408) as described by the USACE Engineering Circular 1165-2-220 documenting that the non-federal sponsor has no objection to USACE review of the DCP.

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The Board is aware of the planning level scope developed by DWR for the DCP. In its current iteration, the DCP proposes to alter the Federal-State flood control facilities in order to develop new diversion and conveyance facilities in the Delta. The planning level scope includes at least two main alternatives for the proposed project alignment under the Delta within Sacramento, Contra Costa, San Joaquin, and Alameda Counties. Specifically, the DCP will consider intake facilities, tunnel reaches and tunnel shafts, forebays, pumping plants, south Delta Conveyance facilities, as well as other ancillary facilities which may be constructed including, but not limited to, access roads, barge unloading facilities, concrete batch plants, fuel stations, mitigation areas, and power transmission and distribution lines.

The DCP is currently not part of an ongoing or authorized Federal study and is not eligible for credit under Section 221 of the Flood Control Act of 1970. Therefore, the Board is not seeking Section 221 credit. Approval under Section 404 of the Clean Water Act as well as Section 10 of the Rivers and Harbors Act of 1899 are anticipated to be required for the DCP. The DCP will require lands owned by the nonfederal sponsor and is not aware of required lands owned by the USACE.

If you have any questions regarding this Statement of No Objection, please contact me. We look forward to our continued partnership.

Sincerely,

Leslie M. Gallagher
Executive Officer

Enclosure: 33 USC § 408 Request from DWR Flood Maintenance Office dated March 17, 2020.

cc: (via electronic file)

Ali Porbaha, Central Valley Flood Protection Board
Kevin Lee, USACE
Andrea Buckley, Central Valley Flood Protection Board
Ken Bogdan, Department of Water Resources
Kristina Reese, Department of Water Resources